

# United States District Court

for

THE DISTRICT OF GUAM

**FILED**  
DISTRICT COURT OF GUAM  
JUL 27 2005  
**MARY L.M. MORAN**  
CLERK OF COURT

U.S.A. vs: MICHAEL ATOIGUE BURGOS Docket No. CR 05-00007-001

## Petition for Action on Conditions of Pretrial Release

COMES NOW ROBERT I. CARREON PRETRIAL SERVICES  
presenting an official report upon the conduct of Michael Atoigue Burgos  
who was placed under pretrial release supervision Joaquin V.E. Manibusan, Jr., Magistrate Judge  
sitting in the court at Hagatna, Guam on 9th date of February 20 05  
under the following conditions:

Report to the U.S. Probation Office and the Bureau of Immigration and Customs Enforcement as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; not leave Guam without the permission of the Court; avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; and submit to drug testing.

## RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

**(See attached Declaration in Support of Petition by U.S. Probation Officer Robert I. Carreon)**

PRAYING THAT THE COURT WILL

Pursuant to 18 U.S.C. §3148(b), order that a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

**RECEIVED**

## ORDER OF COURT

Considered and ordered 27th day  
of July, 2005 and ordered filed  
and made a part of the records in the above  
case.

JUL 25 2005

Respectfully,

Robert I. Carreon  
HAGATNA, GUAM U.S. Pretrial Services Officer

Place Hagatna, Guam

Date: July 22, 2005

Frances Tydingco-Gatewood  
U.S. District Judge/Magistrate



DECLARATION IN SUPPORT OF PETITION  
Request for Modification of Release Conditions  
Re: BURGOS, Michael Atoigue  
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On April 11, 2005, Mr. Burgos appeared for a bail violation hearing before the Honorable Judge Joaquin V.E. Manibusan. Mr. Burgos admitted to all drug use violations reported by the pretrial services officer. The Court continued release, however, warned Mr. Burgos that any additional violations henceforth would warrant revocation of his release. Mr. Burgos is alleged to have violated the following conditions of release:

**Special Condition:** *The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances.* **On June 27, 2005, Mr. Burgos tested presumptive positive for methamphetamine.** He denied any drug use and the sample was forwarded to the laboratory for confirmation testing. Laboratory results returned on July 5, 2005 confirmed methamphetamine use. **On July 14, 2005, Mr. Burgos again tested positive for methamphetamine.** He executed an admission form for using the drug on July 12, 2005.

**Special Condition:** *The defendant shall submit to any method of testing required by the pretrial services officer the supervising officer for determining whether the defendant is using a prohibited substance.* **On July 5, 2005, Mr. Burgos failed to report for urinalysis.** He further failed to call the pretrial services office or the Bureau of Immigration and Customs Enforcement office to explain this violation.

**Special Condition:** *The defendant shall report to the U.S. Probation Office as directed.* **Mr. Burgos has also failed to submit monthly supervision reports for the months of April through June 2005.** He is unemployed but reports that he is actively seeking work. Due to the sealed nature of the case, his job search activities have not been verified.

**Supervision Compliance:** As of July 14, 2005 and since his bail violation hearing on April 11, 2005, Mr. Burgos has tested negative on eight urinalysis appointments.

**Recommendation:** The pretrial services officer requests that, pursuant to 18 U.S.C. §3148(b), the Court order a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other action which the Court may deem just and proper.

The pretrial services officer recommends that bail be revoked due to the danger the defendant poses to the community.

Executed this 22<sup>nd</sup> day of July 2005, at Hagatna, Guam, in conformance with provisions of Title 28 U.S.C. § 1746.

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I declare under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.


RESPECTFULLY submitted this 22<sup>nd</sup> day of July 2005.

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:

  
ROBERT I. CARREON  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Marivic P. David, AUSA  
John T. Gorman, Federal Public Defender  
File